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POLLUTION PREVENTION

Proposed Vessel and Oil Transfer Facilities

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 154, 155, 156]

[CGFR 71-160]

POLLUTION PREVENTION

Vessel and Oil Transfer Facilities

The Coast Guard is considering amending the pollution regulations by adding three new Parts, 154, 155, and 156, to Subchapter O of Title 33, Code of Federal Regulations, to govern the operation of facilities and vessels and the transfer of oil to or from certain vessels to prevent the discharge of oil.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or comments regarding the proposal to the U.S. Coast Guard (CMC), Washington, D.C. 20590. Communications should identify the notice number, CGFR 71-160, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator.

The Coast Guard will hold a public hearing on February 15, 1972 at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal.

All communications received before February 21, 1972, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

On April 3, 1970, the President signed the Water Quality Improvement Act of 1970 which amended the Federal Water Pollution Control Act (FWPCA). Section 11 of this Act, concerning control of pollution by oil, states in part, "The Congress hereby declares that it is the policy of the United States that there should be no discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone."

At the NATO Committee on the Challenges to Modern Society (CCMS) meeting in Brussels in November of 1970, Secretary of Transportation John Volpe proposed "by mid-decade (1975) a complete halt to all intentional discharges of oil and oily wastes into the oceans by tankers and other vessels". This goal, modified to include "other noxious substances", has been established as the major objective of the Oil Pollution Conference to be held in 1973 under the auspices of the Intergovernmental Maritime Consultative Organization (IMCO).

A review of pollution incident statistics and the progress of vountary industry programs since amending the FWPCA indicates that regulatory action is necessary to meet our stated goals. Therefore, acting under the authority of section 11(j)(1) of the FWPCA, which provides in part: "* * * the President shall issue regulations * * * (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section," the Coast Guard is considering regulations in four general problem areas. These are: tank cleaning and ballast; bilges, leaks, and fueling spills; vessel casualties; and facility (terminal) or oil transfer operations.

The tank cleaning and ballast discharge problem principally occurs in international waters and, due to the relative fleet sizes, results primarily from vessels other than U.S. flag vessels. This problem is under active consideration by the Intergovernmental Maritime Consultative Organization (IMCO) and can only be resolved by international agreement. Therefore, in developing these regulations consideration of the deliberate discharge problem has been limited to implementing the 1969 amendments to the Convention for Prevention of Pollution of the Seas by Oil, 1954, as amended. However, it should be noted that shore reception of dirty ballast appears to be the only feasible solution for vessels not able to use load-on-top procedures. Comments on making a mandatory requirement for the reception of slops and dirty ballast by terminals are solicited.

Although the United States has ratified the 1969 amendments, they will not come into force internationally for some time. Implementation of these amendments on a worldwide basis would reduce the deliberate discharge of oil to the seas by nearly 90 percent. Although drafted in regulatory form, the 1969 amendments cannot be promulgated until legislation is enacted by the Congress modifying the 1961 Oil Pollution Act which implemented the Oil Pollution Convention.

The problem of vessel casualties can be divided into collisions (vessel to vessel), collisions (vessel to object), groundings, and other items such as fire and explosions, which are primarily safety problems with pollution as a secondary consideration. The problem of fire and explosions is under continuous review and analysis and, therefore, special efforts in this area for pollution prevention are considered unnecessary.

The external (to the vessel) navigational and operational control of vessels to prevent collisions and groundings is being considered by Congress in the Port Safety Bill H.R. 8140 S. 2074 et al. No action in this regard is presently proposed in the matter of general maritime safety. It is emphasized here, and will become further apparent in this discussion, that maritime safety and pollution prevention are intimately related and cannot be separated. The proposed regulations do consider the structural adequacy of the vessel to withstand specified limited energy operational groundings, rammings, and collisions. If operational control proves inadequate, then vessel design will be reconsidered.

The maneuvering characteristics of vessels are under study internationally. It is not deemed possible at this time to relate and resolve the contribution to pollution of the powering and maneuvering characteristics of tugs and barges in our inland and coastal waterways. This potential problem will be further studied and, should a problem be determined to exist, appropriate action will be taken.

This notice, then, stresses efforts to reduce oil pollution from bilge discharges, leaks, spills, and terminal operations which result in the discharge of oil into the ecologically sensitive inland and coastal waters of this country. In developing this proposal, the existing body of laws, regulations, policy, and internal procedures were examined.

An accompanying notice of proposed rule making revises Chapter I of Title 46 to specify additional examination and licensing requirements for U.S. seamen and to modify the inspection and drydocking requirements for U.S. vessels. In addition, changes will be proposed in the near future to revise Chapter I of Title 46 to more clearly define the requirements concerning the discharge of liquid ballast required for stability.

The definition of oil used in this proposal is that contained in the act and includes the lighter fractions of the petroleum distillation process such as kerosenes, gasolines, and napthas.

Part 154 would contain regulations governing large onshore and offshore facilities engaged in the transfer of oil to and from vessels. A large facility is one which transfers oil to or from a vessel which has a tank capacity for that oil of 10,000 U.S. gallons or more. These large facilities will remain subject to the safety requirements of 33 CFR Part 126. These regulations would not apply to small vessel fueling operations such as marinas using insert automatic fill nozzles, typical of gas station operations. Also, they would not apply to such operations as a large vessel taking on lube oil at a dry cargo terminal even though the vessel may have a fuel oil capacity greater than 10,000 gallons.

Subpart A of Part 154 contains the general applicability clauses, definitions, and the basic requirement that no person may engage in oil transfer operations to or from a vessel after April 3, 1973, without or in violation of an oil transfer permit issued by the U.S. Coast Guard. Although 33 CFR Part 126 presently requires all facilities handling hazardous products to be a "designated waterfront facility," there is no formal designation. A formal permit system will result in a current inventory of all oil handling facilities and thereby enable inspection and control of such facilities to determine the adequacy of the physical plant, its personnel, and procedures.

Subpart B would contain the details of eligibility, procedures, and requirements to obtain an operating permit. The basis of permit issuance will be an inspection of the facility and an evaluation of the procedures used for oil transfer operations. Each facility must provide an operations manual and operate in accordance therewith.

A major eligibility requirement is that the owner or operator must in accordance with section 21(b) of the Act provide certification from the State that the facility meets or will not violate the State water quality standards.

The April 3, 1973, date is selected to coincide with the effective date of section 21(b) of the Act and thereby avoid any need to reissue permits issued prior to that date.

Facilities in operation on the effective date of these regulations must submit their applications to the Coast Guard prior to November 1, 1972, to allow processing and issuance of the permit prior to April 3, 1973.

Since each oil transfer facility is unique, the required operations manual provides a means for the permitholder to inform his personnel and the Coast Guard how he plans to transfer oil. The manual specifies the number of terminal personnel required for various operations; the setup of piping systems, communications, alarms, controls, and lighting; the location of personnel during operations and other information or procedures pertinent to the safe transfer of oil in bulk. The manual also must contain emergency procedures for spill response.

Subpart C of Part 154 would contain facility equipment requirements. Design features of the hose, piping, loading arms, and couplings would be specified. Each facility would be required to have a small discharge containment system in work areas subject to routine operational discharges such as connections, hose drainage, and coupling points. Equipment for containing discharges on the water would also be required.

Subpart C of Part 154 would require that for vessel loading operations, the facility provide a means independent of the normal operating procedure to stop the flow of oil. Primarily, this requirement is intended as an emergency procedure in the event of an overfill, but is equally applicable to a loading arm or hose failure. The point of flow cut-off must be located to minimize the amount of oil which will drain from the transfer systems. In certain cases where the facility manning and available dedicated communications are adequate, this emergency shutdown system may be a communications system if acceptable to the Captain of the Port.

The facility would be required to provide a ship-terminal communications system. The regulation is very general because of the wide variation in facilities and thus permits each communications system to be custom designed to the facility. The actual system to be used will be authorized under the permit/operating procedures of this part.

Section 154.570 would require the facility to be adequately illuminated for oil transfer operations at night. The illumination standard given is from the American Petroleum Institute Recommended Practice for Oil Terminals, API RP 540 dated 1959. It is equivalent to industrial standards for similar activities. This section would also require the facility to provide a similar degree of lighting at work areas of barges engaged in transfer operations at the facility.

The regulations would not require a personnel shelter for each facility. However, a shelter would be a consideration to be covered in the operating manual to assure the presence of personnel during the oil transfer.

Subpart D, Facility Operations, would contain general requirements for the operation of an oil transfer facility.

Requirements would be given for the designation and the qualification of facility personnel as person in charge of oil transfer operations. This designation is made by the facility permit holder based upon the designee's knowledge, training, and experience. The designation is valid only at specified facilities and is not generally transferable.

Part 155 would contain regulations governing vessel design and operation to minimize any loss of oil from accident or from normal operations and would also contain regulations for vessels engaged in oil transfer operations analogous to Part 154 for facilities.

This part would apply to all vessels carrying oil as cargo and to all vessels engaged in fueling, oily waste disposal or ballast discharge, and operating in the navigable waters of the United States. These regulations would be applicable to foreign vessels and uninspected vessels. Any limitation on applicability is noted in the particular regulation.

Subpart B would contain the requirements for vessel design and construction.

Section 155.305 would require that all inland barges built after December 31, 1972, be of double wall (sides and fore and aft ends) construction. The purpose of this proposal is to eliminate the myriad of leaks from barges in the inland waterways from routine operational side and end damage. Additionally, this requirement is expected to substantially reduce the oil spills resulting from minor vessel collisions. This type of construction has been required for some years for vessels carrying flammable chemical products and has not created any safety problems such as explosions or fires from flammable vapors in the void spaces.

The regulation would apply to new or "rebuilt" vessels. The term "rebuilt" is recognized to be quite subjective and must be considered in each individual case. The intent is to permit plate renewal or hull repairs to damaged single-skin barges in otherwise good condition, but to prevent circumvention of the regulation applicable to new construction by rebuilding an old vessel and significantly extending the vessel's life. This would then phase out existing single-skin barges. The alternative to this use of "rebuilt" is to specify a termination date for the use of single-skin barges. Comments on the proposed approach and its alternatives are specifically invited.

Section 155.310 requires a deck spill containment system on all vessels capable of handling more than 10,000 gallons of cargo oil. The containment may be either fixed catchments or enclosed deck areas. The required containment volume is related to hose size as an estimate of possible spill size. This system is not intended to prevent a massive discharge but is aimed at the frequent accidental hose drainage, air bubble in the vent, or minor overfill type discharge.

Section 155.330 would require that all vessels operating on the navigable waters or contiguous zone must prior to January 1, 1975, have a means to retain all oily bilge wastes onboard. Such containment may in fact be the bilge itself provided an undue fire or stability problem does not result therefrom. For vessels which have large volumes of oily wastes generated onboard, a holding tank would be necessary. There would be no requirement to hold water such as stern tube leakage onboard provided it would not become contaminated with oil.

All vessels of 100 gross tons or more would have positive acting valves installed in their bilge overboard discharge lines which can be sealed when in the U.S. navigable waters. Vessels less than 100 gross tons would be exempt from the valve requirement but would have onboard a placard concerning the prohibition of oily waste discharge. Additionally, all vessels of 100 gross tons or more would have to install topside fittings for the discharge of oily wastes to shore reception facilities. All vessels which ballast fuel oil tanks would have to install ballast discharge valves and deck fittings as required for bilge systems. Vessels which have a means to process or transfer bilge wastes to a cargo oil slop tank would be exempt from the requirements to have a system to discharge oily wastes to reception facilities.

All vessels of 100 gross tons or more would be required to seal their bilge and ballast overboard valves in the closed position while in the navigable waters. Each operator will provide the seals and seal his own valves and maintain a record of valve usage. This recordkeeping is not considered an administrative burden since the valve seals should not be broken while in U.S. waters.

Section 155.470 would specify that oil not be carried in barge rakes nor forward of the collision bulkhead in vessels required to have such bulkheads. This requirement would apply to all vessels in U.S. waters. The rakes of barges and bows of ships are exposed and subject to damage, and any oil in these forward compartments constitutes an unnecessary hazard to the environment. These requirements are intended to prohibit not only the bulk carriage of oil in these forward compartments but also to prohibit stripping cargo tanks into these compartments.

Subpart C, Part 155 is similar to Subparts C and D of Part 154 in specifying personnel, equipment, and procedures to prevent oil pollution.

Sections 155.720 through 155.760 would require each vessel capable of transferring 10,000 U.S. gallons or more of oil to have, use, and post oil transfer procedures. These procedures would be reviewed by the Coast Guard during routine inspections of vessel operations and would be conspicuously posted on board the vessel in a language commonly used by the crew. This will provide a ready reference to the crew and local law enforcement personnel to determine if the proper equipment and personnel are being used to safely transfer oil products. The procedure would be applicable to the handling of cargo and fuel oil. The Coast Guard may require the procedure to be revised. Section 155.810 would require that any vessel containing oil in cargo tanks must be attended. This requirement is a result of incidents of vandalism and malicious mischief resulting in barges being cast adrift or valves being opened. This is an extension of the watchman requirement presently specified in 46 CFR 35.05–15.

Part 156 would contain the procedures to be followed on the vessel and the facility while transferring oil to or from vessels with a capacity of 10,000 U.S. gallons or more.

Section 156.110 would specify the conditions under which the person in charge can supervise one or more vessels or act as the person in charge for both the vessel and the facility.

Section 156.120 would specify the conditions which must exist during oil transfer operations. In general, these requirements could be classed as good operating practice. However, items of special interest are:

(a) A person must be present who can fluently speak the common languages used on the supplying and receiving units.

(b) The persons in charge of the two units must hold a conference and agree on procedures and equipment to be used and be aware of applicable laws and emergency procedures.

Section 156.150 would require the persons in charge to follow and complete an extensive declaration of inspection form prior to any oil transfer. The declaration of inspection required is for items directly related to pollution; however, it should be combined with the present declaration of inspection required for safety purposes.

Under Section 11(j)(2) of the Act, any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to these regulations who fails to comply or refuses to comply with the provisions of these regulations, shall be liable to a civil penalty of not more than $5,000 for each violation.

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 33 of the Code of Federal Regulations as follows:

a. By amending Subchapter O by adding new Parts 154, 155, and 156 to read as follows:

PART 154—LARGE OIL TRANSFER FACILITIES

Subpart A—General

Sec.
154.100 Applicability.
154.105 Definitions.
154.110 Permit and operations manual required.

Subpart B—Oil Transfer Permit

154.300 Eligibility for permit and amendment.
154.310 Application for issue or amendment of permit.
154.320 Contents of permit.
154.325 Duration of permit.
154.330 Renewal of permit.
154.335 Suspension and revocation of permit.
154.340 Amendment of permit and operations manual.
154.345 Amendment, suspension and revocation procedures.
154.350 Waivers.
154.355 Operations manual: general.
154.360 Operations manual: contents.
154.365 Operations manual: copies.
154.370 Inspection authority.

Subpart C—Equipment Requirements

154.500 Hose assemblies.
154.510 Loading arms.
154.520 Closure devices.
154.530 Small discharge containment.
154.540 Discharge removal.
154.545 Discharge containment equipment.
154.550 Emergency shutdown.
154.560 Communications.
154.570 Lighting.

Subpart D—Facility Operations

154.700 General.
154.710 Persons in charge: designation.
154.720 Persons in charge: qualification.
154.730 Persons in charge: evidence of designation.
154.740 Records.
154.750 Compliance with operations manual.

AUTHORITY: The provisions of this Part 154 issued under sec. 11(J)(1)(C) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91); 33 U.S.C. 1161(J)(1)(C); E.O. 11548, 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m).

Subpart A—General

§ 154.100 Applicability.

This part applies to the operation of each onshore or offshore facility when it transfers oil to or from any vessel that has a capacity of 10,000 U.S. gallons or more for that oil except when it transfers—

(a) Lubricating oil for use onboard the vessel; or

(b) Nonpetroleum based oil to or from a vessel other than a tank vessel.

§ 154.105 Definitions.

As used in this part:

(a) "Commandant" means the Commandant of the Coast Guard or his authorized representative.

(b) "Captain of the Port" means a U.S. Coast Guard officer commanding a captain of the port area described in Part 3 of this chapter or his authorized representative or, where there is no captain of the port area, a district commander of a Coast Guard district described in Part 3 of this chapter or his authorized representative.

(c) "Discharge" includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(d) "Officer in Charge Marine Inspection" means a U.S. Coast Guard officer commanding a marine inspection zone described in Part 3 of this chapter or his authorized representative.

(e) "Offshore facility" means any facility of any kind located, in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel.

(f) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(g) "Onshore facility" means any facility (including, but not limited to motor vehicles and rolling stock) of any kind located, in, on, or under, any land within the United States other than submerged land.

(h) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(i) "Person in charge" means a person designated as a person in charge under § 154.710 or § 155.700.

§ 154.110 Permit required.

After April 3, 1973, no person may operate a facility in operations to which this part applies without, or in violation of an oil transfer permit issued under this part or in violation of this part.

Subpart B—Oil Transfer Permit

§ 154.300 Eligibility for permit and amendment.

(a) An applicant is entitled to the issue or amendment of an oil transfer permit if—

(1) The captain of the Port finds, after an inspection of the facility and a review of the oil transfer procedures, that the applicant is properly and adequately equipped and able to transfer oil in accordance with this part and without discharge into the navigable waters.

(2) The applicant has the certification prescribed in section 21(b)(1) of the Federal Water Pollution Control Act, as amended.

(b) At any time within 30 days after receiving from the Captain of the Port a notice of refusal to issue or amend a permit, the applicant or permitholder may petition the Commandant via the Captain of the Port to reconsider the refusal to issue or amend.

§ 154.310 Application for issue or amendment of permit.

(a) Each applicant for the issue of an oil transfer permit under this part must

submit his application in writing, accompanied by a copy of the facility's operations manual and a copy of the certification required by section 21(b)(1) of the Federal Water Pollution Control Act, to the Captain of the Port in the area in which the facility is or will be located.

(b) Each application submitted under paragraph (a) of this section may be in any form but must contain the name and address of—

(1) The facility;

(2) The owner of the facility; and

(3) The operator of the facility.

(c) Each operations manual submitted under paragraph (a) of this section must be prepared in accordance with § 154.355 and contain the information in § 154.360.

(d) An applicant for a permit must submit his application at least 60 days before the date of intended operation under this part except that a facility operating before (the effective date of these regulations) must submit its application before November 1, 1972.

(e) An applicant for an amendment to a permit must submit his application at least 30 days before the proposed effective date of that amendment unless a shorter period is allowed by the Captain of the Port.

§ 154.320 Contents of permit.

Each oil transfer permit issued under this subpart contains—

(a) The names of the facility and the owner and operator of the facility;

(b) The facility location;

(c) The oil transfer operations covered by the permit;

(d) Limitations;

(e) The expiration date of the permit; and

(f) Any other item that the Captain of the Port determines is necessary to cover a particular situation.

§ 154.325 Duration of permit.

An oil transfer permit issued under this part is effective for 5 years unless it is surrendered, suspended, revoked, or otherwise terminated.

§ 154.330 Renewal of permit.

Each permitholder desiring to renew its permit must apply to the Captain of the Port for renewal in accordance with the procedures in § 154.310.

§ 154.335 Suspension and revocation of permit.

(a) The Captain of the Port may suspend or revoke an oil transfer permit issued under this part at any time the facility does not meet the requirements of this part.

(b) If an oil transfer permit is suspended or revoked, the holder of that permit shall return it to the Captain of the Port.

§ 154.340 Amendment of permit and operations manual.

The Captain of the Port may, on his own initiative, amend an oil transfer permit or require the permitholder to amend the operations manual if, after inspection he finds that the permit or operations manual is not adequate to meet the requirements of this part.

§ 154.345 Amendment, suspension and revocation procedures.

(a) When the Captain of the Port determines to require an amendment of an operations manual, or to amend, suspend, or revoke an oil transfer permit, he notifies the permitholder, in writing of a date not less than 14 days from the date of the notice, on or before which the permitholder may submit written information, views, and arguments on the amendment, suspension, or revocation. After considering all relevant material presented, the Captain of the Port notifies the permitholder of any amendment required or adopted or of his decision to suspend or revoke the permit or he rescinds the notice. The amendment, suspension, or revocation becomes effective not less than 30 days after the permitholder receives the notice, unless the permitholder petitions the Commandant to reconsider the notice, in which case its effective date is stayed pending a decision by the Commandant.

(b) If the Captain of the Port finds that there is a condition requiring immediate action to prevent the discharge of oil that makes the procedure in paragraph (a) of this section impracticable or contrary to the public interest, he may issue an amendment, suspension, or revocation effective, without stay, on the date the permitholder receives notice of it. In such a case, the Captain of the Port includes a brief statement of the reasons for his finding in the notice, and the permitholder may petition the Commandant to reconsider the amendment, suspension, or revocation.

(c) Petitions to the Commandant must be submitted in writing to the Captain of the Port.

§ 154.350 Waivers.

The Captain of the Port may, by an appropriate provision in or amendment to the permit, waive, in whole or in part, compliance with any requirement in this part if—

(a) Application for the waiver is submitted to the Captain of the Port at least 30 days before operations under the waiver are proposed unless a lesser time is authorized by the Captain of the Port; and

(b) The Captain of the Port finds that an equivalent level of protection of the navigable waters from pollution by oil will be provided by the alternative procedures, methods, or equipment standards to be used by the applicant or permitholder.

§ 154.355 Operations manual: general.

(a) Each applicant for an oil transfer permit must prepare and submit with its application an operations manual that describes—

(1) The means and procedures that the applicant uses to meet the operating rules and equipment requirements prescribed by this part;

(2) The duties and responsibilities of operations personnel in conducting oil transfer operations under this part.

(b) In determining whether the manual meets the requirements of this part, the Captain of the Port considers the size, complexity, and capacity of the facility.

§ 154.360 Operations manual: contents.

Each operations manual required by § 154.355 must contain—

(a) The geographic location of the facility;

(b) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, and locations of safety equipment;

(c) The hours of operation of the facility;

(d) The sizes, types, and number of vessels that the facility can transfer oil to or from simultaneously;

(e) The grade and trade name of each product transferred at the facility that is not compatible with oil;

(f) The minimum number of personnel on duty during transfer operations;

(g) The names and telephone numbers of facility, Coast Guard, and other personnel who may be called by the employees of the facility in an emergency;

(h) The duties and responsibilities of watchmen required by § 155.810 of this chapter and 46 CFR 35.05–15 for unmanned vessels moored at the facility;

(i) A description of each communication system required by this part;

(j) The location and facilities of each personnel shelter, if any;

(k) A description and instructions for use of drip and discharge collection and vessel slop reception facilities;

(l) A description and the location of each emergency shutdown system;

(m) Location and instructions for use of the containment equipment required by § 154.545;

(n) The maximum relief valve setting or maximum system pressure when relief valves are not provided for each oil transfer system;

(o) Procedures for—

(1) Operating each loading arm including the limitations of each loading arm;

(2) Transferring oil;

(3) Completion of pumping;

(4) Emergencies;

(5) Reporting oil discharges; and

(6) Containing discharges.

§ 154.365 Operations manual: copies.

Each permitholder shall maintain at least one complete copy of the operations manual at the facility and shall make it readily available to the operating personnel and, upon request, to the Captain of the Port.

§ 154.370 Inspection authority.

Each applicant for an oil transfer permit and each permitholder shall allow the Commandant, at any time, to make any inspection or test to determine compliance with the Federal Water Pollution Control Act, as amended, and this part.

Subpart C—Equipment Requirements

§ 154.500 Hose assemblies.

(a) Each assembly consisting of a hose and couplings that is manufactured after September 1, 1972, and used for transferring oil must meet the requirements of this section.

(b) The pressure which the manufacturer represents to be the minimum bursting pressure for each hose assembly must be—

(1) More than 600 pounds per square inch; and

(2) At least four times the pressure of the relief valve setting (or the maximum pump pressure when no relief valve is installed) plus the static head pressure of the oil transfer system in which the hose is installed;

(c) The pressure which the manufacturer represents to be the recommended working pressure for each hose assembly must be—

(1) More than 150 pounds per square inch; and

(2) More than the pressure of the relief valve setting (or the maximum pump pressure when no valve is installed) plus the static head pressure of the oil transfer system in which the hose is installed;

(d) Each nonmetallic hose must be specified for oil service by its manufacturer.

(e) Unless otherwise authorized by the Commandant, each hose assembly must have flanges that met Standard B16.5, Steel Pipe Flanges and Flanged Fittings, of the American National Standards Institute.

(f) Each hose must be marked for identification or with—

(1) The products for which the hose is used;

(2) Date of manufacture;

(3) Burst pressure;

(4) Manufacturers recommended working pressure;

(5) Date of the last test required by § 156.170 of this chapter; and

(6) The pressure used for that test.

§ 154.510 Loading arms.

(a) Each mechanical loading arm used for transferring oil and placed into service after April 3, 1973, must meet the design, fabrication, material, inspection, and testing requirements in Standard B31.3, Petroleum Refinery Piping, of the American National Standards Institute.

(b) Each mechanical loading arm used for transferring oil after April 3, 1973, must have a means of being drained prior to disconnection.

§ 154.520 Closure devices.

The facility must have enough butterfly valves, wafer-type resilient seated valves, blank flanges or other means acceptable to the Captain of the Port to blank off the end of each hose or loading arm that is disconnected after transfer of oil.

§ 154.530 Small discharge containment.

(a) Except as provided in paragraph (c) of this section, the facility must have fixed catchments, curbing, or other fixed means to contain oil discharged in at least—

(1) Each hose handling and loading arm area; and

(2) Each hose connection manifold area.

(b) The discharge containment means required by paragraph (a) of this section must hold at least—

(1) 100 U.S. gallons if it serves one or more 6-inch nominal diameter or smaller hose or loading arm connections.

(2) 150 U.S. gallons if it serves one or more hose connections larger than 6 inches but less than 12 inches nominal diameter; and

(3) 200 U.S. gallons if it serves one or more 12-inch or larger nominal diameter hose or loading arm connections.

(c) The facility may have portable means to meet the requirements of paragraph (a) of this section if the Captain of the Port finds that fixed means to contain discharges are not feasible for part or all of a facility.

§ 154.540 Discharge removal.

The facility must have a means to safely and quickly remove discharged oil from the containment means required by § 154.530 without mixing incompatible products.

§ 154.545 Discharge containment equipment.

(a) Each oil transfer facility must have ready access to oil containment equipment to contain oil discharged on the water, considering—

(1) Oil handling rates;

(2) Oil capacity susceptible to being spilled;

(3) Frequency of facility operations;

(4) Tidal and current conditions;

(5) Facility age, capability, arrangement, and past experience; and

(6) If the equipment is shared, the expected frequency of use and probability of immediate availability.

(b) For the purpose of this section, "Access" may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.

§ 154.550 Emergency shutdown.

(a) The facility must have in addition to the means of communication required by § 154.560, a means to enable the person in charge of the transfer of oil on board a vessel at his usual operating station to stop the flow of oil to the vessel if normal operating procedures fail.

(b) The point in the oil transfer system at which the flow of oil is stopped must be on the facility and as close to the vessel as practicable.

§ 154.560 Communications.

(a) Each facility must have a means that enables two-way voice communication between the person in charge of the transfer operation on board the vessel and the person in charge of the facility transfer operation.

(b) Each facility must have a means that enables a person on board a vessel or on shore to effectively signal his intention to use the means of communication required by paragraph (a) of this section.

§ 154.570 Lighting.

(a) For operations between sunset and sunrise, the facility must have fixed lighting that illuminates—

(1) Each transfer connection point on the facility with a minimum lighting intensity of 10 foot-candles;

(2) Each work area on the facility with a minimum lighting intensity of 2 foot-candles;

(3) Each transfer connection point on any barge moored at the facility, to or from which oil is transferred, with a minimum lighting intensity of 10 foot-candles; and

(4) Each work area on any barge moored at the facility, to or from which oil is transferred, with a minimum lighting intensity of 2 foot-candles.

(b) The lighting intensity must be measured on a horizontal plane 3 feet above the barge deck or walking surface.

Subpart D—Facility Operations

§ 154.700 General.

The holder of an oil transfer permit shall provide, maintain, and use facilities, equipment, personnel, and procedures at least equal in condition, quality, and quantity to the facilities, equipment, personnel, and procedures required for the issue of the oil transfer permit for that facility.

§ 154.710 Persons in charge: designation.

The permit holder shall—

(a) Designate the person or persons in charge of the transfer of oil to or from the facility; and

(b) Advise the Captain of the Port in writing of each designation.

§ 154.720 Persons in charge: qualification.

(a) No person may serve, and the permit holder may not use the services of a person, as a person in charge of oil transfer operations unless—

(1) He has had at least 48 hours of experience in oil transfer operations under the supervision of the permit holder or a person in charge of transferring oil at the facility for which qualification is desired, except that for new facilities, the Captain of the Port may authorize alternative experience requirements;

(2) The permit holder has determined that he can operate the oil transfer equipment of the facility; and

(3) The permit holder has determined that he knows—

(i) The hazards of each product to be transferred;

(ii) The rules in this part and in Part 156 of this chapter;

(iii) The operator's discharge containment procedures;

(iv) The facility operating procedures;

(v) Vessel oil transfer systems, in general;

(vi) Vessel oil transfer control systems, in general;

(vii) Each facility oil transfer control system to be used;

(viii) Applicable Federal, State, and local oil pollution laws and regulations; and

(ix) Local discharge reporting procedures;

(x) Discharge containment and clean-up procedures.

§ 154.730 Person in charge: evidence of designation.

(a) Each person in charge shall carry evidence of his designation as a person in charge when he is engaged in transfer operations unless such evidence is immediately available at the facility.

(b) A person holding a valid qualification as a person in charge of oil transfers under § 126.15(o) of this chapter on April 3, 1973, is qualified to serve as a person in charge for the purpose of this section.

§ 154.740 Records.

(a) Each permit holder shall keep at the facility and make available for inspection by the Captain of the Port—

(1) A copy of the operating permit for the facility;

(2) The name of each person currently designated as a person in charge of oil transfer operations;

(3) The date and result of the most recent test or inspection of each item tested or inspected under § 156.170 of this chapter; and

(4) The hose information required by § 154.500(f) unless that information is marked on the hose.

§ 154.750 Compliance with operations manual.

The permit holder shall use and require its personnel to use the procedures in the operations manual prescribed by § 154.355 for operations under this part.

PART 155—VESSEL DESIGN AND OPERATIONS

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155.780 Emergency shutdown.
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155.800 Oil transfer hose.
155.810 Tank vessel security.
155.820 Records.

AUTHORITY: The provisions of this Part 155 issued under secs. 11(J)(1)(C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91); 33 U.S.C. 1161(J)(1)(C) and (D); E.O. 11548, 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m).

Subpart A—General

§ 155.100 Applicability.

This part prescribes rules that apply to the operation of all vessels on the navigable waters of the United States for the purpose of preventing the discharge of oil into or upon the navigable waters of the United States. United States vessels must meet the vessel design and equipment requirements in this part to be eligible for the issuance of a Certificate of Inspection under 46 CFR Chapter I.

§ 155.105 Definitions.

As used in this part:

(a) "Commandant" means the Commandant of the Coast Guard or his authorized representative.

(b) "Captain of the Port" means a U.S. Coast Guard officer commanding a captain of the port area described in Part 3 of this chapter, or his authorized representative or, where there is no captain of the port area, a district commander of a Coast Guard district described in Part 3 of this chapter, or his authorized representative.

(c) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring emitting, emptying, or dumping.

(d) "Officer in Charge Marine Inspection" means a U.S. Coast Guard officer commanding a marine inspection zone described in Part 3 of this chapter or his authorized representative.

(e) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel.

(f) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(g) "Onshore facility" means any facility (including, but not limited to motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

(h) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used as a means of transportation on water other than a public vessel.

(i) "Person in charge" means a person designated as a person in charge under § 154.710 or § 155.700 of this chapter.

§ 155.110 Waivers.

The Commandant may waive, in whole or in part, compliance with any requirement in this part if—

(a) Application for the waiver is submitted to the Captain of the Port or Officer in Charge of Marine Inspection 30 days before operations under the waiver are proposed unless a lesser time is authorized by the Captain of the Port or Officer in Charge of Marine Inspection; and

(b) The Commandant finds that an equivalent level of protection of the navigable waters from pollution by oil will be provided by the alternative procedures, methods, or equipment standards to be used by the vessel operator.

Subpart B—Vessel Design and Equipment

§ 155.305 Double walls: tank barges.

(a) Except as provided in paragraph (b) of this section, no person may operate a tank barge of 100 gross tons or more built, rebuilt, or converted to oil service after December 31, 1972, that is carrying oil unless it has—

(1) Double walls on each side and each end;

(2) No less than 24 inches between the outer surface of the inner wall and the outer surface of the outer wall at any point;

(3) Sounding tubes, manholes, or instruments for detecting leaks into the space between the walls;

(4) A fixed or portable means of removing water and oil from the space between the walls; and

(5) A means of personnel access into all spaces between the walls for purposes of inspection.

(b) This section does not apply to tank barges that have a certificate of inspection for ocean or coastwise service under 46 CFR Chapter I when operated as the only barge in a tow.

§ 155.310 Cargo oil discharge containment.

(a) After December 31, 1974, no person may operate a tank vessel that is carrying oil that has a tank capacity for 10,000 U.S. gallons or more of oil unless it has—

(1) Fixed containers or enclosed deck areas that meet the requirements of this section under or around each oil loading

manifold and each oil transfer connection area; and

(2) A means of draining or removing discharged oil from each container or enclosed deck area.

(b) Each drain and scupper in an enclosed deck area required by this section must have an attached means of closing.

(c) Each fixed container or enclosed deck area must hold, in all conditions of vessel list or trim, to be encountered during the loading operation at least—

(1) 100 U.S. gallons if it serves one or more 6-inch nominal diameter or smaller hose or loading arm connections;

(2) 150 U.S. gallons if it serves one or more hose or loading arm connections larger than 6 inches, but less than 12 inches, nominal diameter; or

(3) 200 U.S. gallons if it serves one or more 12-inch or larger nominal diameter hose or loading arm connections.

§ 155.320 Fuel oil discharge containment.

After December 31, 1974, no person may transfer oil for fuel to a vessel of 100 gross tons or more unless—

(a) It has a fixed container or enclosed deck area of at least 14 U.S. gallons capacity under or around each fuel tank vent, overflow, and fill pipe; or

(b) Each fuel tank vent, overflow, and fill pipe is located where a portable container that is at least 18 inches deep and has at least 14 U.S. gallons capacity can be placed under it.

§ 155.330 Oily waste and slop retention.

(a) After December 31, 1974, no person may operate a vessel of 100 or more gross tons unless it has capacity to retain on board all oily waste and oily bilge slops that may accumulate while operating in the navigable waters.

(b) No person may use a tank for oily bilge slops or oily waste on U.S. vessels unless the tank meets the requirements of 46 CFR 56.50-50(h) for isolation betwen oil tanks and bilge systems.

§ 155.340 Bilge slops on vessels more than 100 gross tons: international voyages.

After December 31, 1974, no person may operate a vessel of 100 or more gross tons that is certificated under 46 CFR Chapter I for international voyages or a foreign vessel of 100 or more gross tons unless—

(a) The vessel has at least one pump installed to discharge oily bilge slops through a fixed piping system;

(b) The piping system required by this section has at least one outlet—

(1) For vessels of 1,600 or more gross tons, on each side of the weather deck; or

(2) For vessels of less than 1,600 gross tons, accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in appendix A of this part or the vessel has at least one portable adapter that meets the specifications in appendix A and fits the required outlets;

(d) The vessel has a means on the weather deck near the discharge piping to stop each pump that is used to discharge oily waste and;

(e) The vessel has a stop valve installed at each outlet required by this section.

§ 155.350 Bilge slops on vessels more than 100 gross tons: operations other than international voyages.

After December 31, 1974, no person may operate a vessel of 100 or more gross tons that is not subject to § 155.340 of this part unless—

(a) The vessel has at least one pump installed to discharge oily bilge slops through a fixed piping system;

(b) The piping system required by this section has at least one outlet that is accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in appendix A of this part or the vessel has at least one portable adapter that meets the specifications in appendix A and fits the required outlets; and

(d) The vessel has a stop valve installed at each outlet required by this section.

§ 155.360 Bilge slops on vessels less than 100 gross tons.

After December 31, 1974, no person may operate a vessel of less than 100 gross tons unless it has a fixed or portable means to discharge oily bilge slops to a reception facility.

§ 155.370 Ballast discharge: vessels of 100 gross tons or more: international voyages.

After December 31, 1974, no person may operate a vessel of 100 or more gross tons that (1) is certificated under 46 CFR Chapter I for international voyages or a foreign vessel and (2) that ballasts fuel oil tanks or has combined fuel and ballast tanks unless—

(a) The vessel has at least one pump installed to discharge ballast through a fixed piping system;

(b) The piping system required by this section has at least one outlet—

(1) For vessels of 1,600 or more gross tons, on each side of the weather deck; or

(2) For vessels of less than 1,600 gross tons, accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in Appendix A of this part or the vessel has at least one portable adapter that meets the specifications in Appendix A and fits the required outlets;

(d) The vessel has a means near the discharge piping on the weather deck to stop each pump that is used to discharge oily ballast; and

(e) The vessel has a stop valve installed at each outlet required by this section.

§ 155.380 Ballast discharge: vessels more than 100 gross tons: operations other than international voyages.

After December 31, 1974, no person may operate a vessel of 100 or more gross tons that (1) is not subject to § 155.370 and (2) ballasts fuel oil tanks or has combined fuel and ballast tanks unless—

(a) The vessel has at least one pump installed to discharge all oily ballast through a fixed piping system;

(b) The piping system required by this section has at least one outlet that is accessible from the weather deck;

(c) Each outlet required by this section has a shore connection that meets the specifications in Appendix A of this part or the vessel has at least one portable adapter that meets the specifications in Appendix A and fits the required outlets; and

(d) The vessel has a stop valve installed at each outlet required by this section.

§ 155.390 Ballast discharge: vessels less than 100 gross tons.

After December 31, 1974, no person may operate a vessel of less than 100 gross tons that ballasts fuel oil tanks unless it has a fixed or portable means to discharge oily ballast to a reception facility.

§ 155.400 Valves.

After December 31, 1974, no person may operate a vessel of 100 or more gross tons unless—

(a) It has a valve in each fixed overboard bilge and ballast discharge line except a line used only for discharges from spaces free from sources of oil;

(b) It has a positive means of closing each valve required by paragraph (a) of this section at the valve if it is accessible and—

(1) On or above the freeboard deck of a vessel that is required to have a freeboard deck under 46 CFR 43.05-1 (g); or

(2) On or above the main deck of a vessel that does not have a freeboard deck;

(c) Each valve required by §§ 155.340, 155.350, 155.370, 155.380, and paragraph (a) of this section has a positive means of being sealed in the closed position; and

(d) Each valve required by §§ 155.340, 155.350, 155.370, 155.380, and paragraph (a) of this section is conspicuously identified by a label on or next to the valve and each remote means of closing the valve.

§ 155.410 Bilge and ballast valve seals.

Except when discharging bilge slops or ballast, no person may operate a vessel of 100 or more gross tons unless each valve required by §§ 155.400, 155.340, 155.350, 155.370, 155.380, and each emergency bilge suction valve is sealed in the fully closed position in a way that the valve cannot be opened without breaking the seal.

§ 155.420 Valve seals: identification and reuse.

Each person who seals a valve required to be sealed under § 155.410 shall use a seal that—

(a) Is numbered or otherwise marked to distinguish it from all other seals on board;

(b) Cannot be resealed after it is broken; and

(c) Breaks without restricting valve operation when the valve is opened.

§ 155.430 Valve seal record.

(a) Each operator of a vessel required to have the bilge or ballast valves sealed under § 155.410 shall maintain a record for each valve containing—

(1) The name or number of the vessel;

(2) The identification number of each seal used on the valve;

(3) The date and time each seal is applied;

(4) The date and time each seal is broken; and

(5) The reason each seal was broken.

(b) Each person who makes a record required by paragraph (a) of this section shall keep that record for at least 30 days after the seal is broken.

§ 155.440 Placard: vessels less than 100 gross tons.

After December 31, 1974, no person may operate a vessel of less than 100 gross tons, except a foreign vessel or a vessel less than 26 feet in length, unless it has at least a 5 by 8 inch placard made of durable material fixed in a conspicuous place stating the following:

DISCHARGE OF OIL PROHIBITED

The discharge of oil or oily waste into or upon the navigable waters of the United States which causes a film or sheen upon or discoloration of the water or causes a sludge or emulsion beneath the surface of the water is prohibited by the Federal Water Pollution Control Act, as amended. Violators are subject to a penalty of $10,000.

§ 155.450 Exception for all vessels: oily waste processing equipment.

Sections 155.340 through 155.390 do not apply to a vessel that has a means approved by the Commandant to process oily bilge slops or oily ballast.

§ 155.460 Exception for tank vessels: oily waste transfer equipment.

Sections 155.340 through 155.390 do not apply to tank vessels that have a means of transferring oily bilge slops to a cargo tank used for slops if that means meets the bilge and oil system isolation requirements in 46 CFR 56.50–50(h).

§ 155.470 Prohibited oil spaces.

(a) Except as provided in paragraph (b) of this section, after December 31, 1974, no person may operate a vessel carrying bulk oil or oily waste in—

(1) Any space forward of a collision bulkhead;

(2) The forwardmost space of any vessel that does not have a collision bulkhead; or

(3) Any space between double walls, including spaces on the aft end, on a barge that is required to have double walls under § 155.305; or

(4) The aftermost space on any barge.

(b) Fuel oil for use on the vessel may be carried in independent tanks in the spaces specified in paragraph (a) of this section if such a tank is at least 24 inches inboard of the hull structure or is aft of the forward quarter length of the vessel.

§ 155.480 Inspection of valves.

No person may operate any vessel that has a certificate of inspection issued under 46 CFR Chapter I unless each of the following valves has been opened, inspected, and found to function properly by the owner or operator of the vessel or his representative at or since the last drydocking or hauling out of the vessel required by 46 CFR Chapter I:

(a) Bilge emergency suction valves.

(b) Ballast sea suction valves except in lines to oil free tanks.

(c) Bilge overboard discharge valves required by § 155.400.

(d) Ballast overboard discharge valves required by § 155.400.

(e) Valves used to separate clean ballast from oil or oily ballast.

(f) Valves used to isolate oil or oily ballast from the sea.

Subpart C—Oil Transfer Personnel, Procedures, Equipment, and Records

§ 155.700 Designation of person in charge.

The operator of each vessel shall designate the person or persons in charge of each transfer of oil to or from the vessel and of each tank cleaning operation.

§ 155.710 Qualifications of person in charge.

(a) No person may serve, and the operator of a vessel may not use the services of a person, as a person in charge of the transfer of oil to or from a vessel or of tank cleaning operations unless—

(1) For oil transfer operations on tank ships, he holds a valid license as a master, mate, pilot, or engineer for tank vessel service, except that the person in charge of tank cleaning operations conducted at an onshore tank cleaning facility may be a certificated tankerman;

(2) For tank barges, he holds a valid license as a master, mate, pilot, or engineer for tank vessel service or is a certificated tankerman;

(3) For vessels other than tank vessels that are required by Chapter I of Title 46 to have a licensed officer on board, he holds a valid license as master, mate, pilot, engineer, or operator; or

(4) For all other vessels, he has been instructed by the operator in his duties and the Federal water pollution laws and regulations that apply to the vessel.

§ 155.720 Oil transfer procedures.

No person may operate a vessel that has a tank capacity for oil of 10,000 U.S. gallons or more unless that vessel has oil transfer procedures that meet the requirements of this part.

§ 155.730 Compliance with oil transfer procedures.

The operator of each vessel shall use and require its personnel to use the oil transfer procedures required by § 155.720 for each oil transfer operation.

§ 155.740 Posting of oil transfer procedures.

The oil transfer procedures required by § 155.720 must—

(a) Be legibly printed in a language understood by the crew; and

(b) Be permanently posted at the fueling station or cargo control station or a place where the procedures can be easily seen and used by the crew.

§ 155.750 Contents of oil transfer procedures.

The oil transfer procedures required by § 155.720 must contain—

(a) If the vessel carries incompatible cargoes, a list of the products to which the oil transfer procedures apply;

(b) A description of each oil transfer system installed on the vessel including—

(1) A line diagram of the vessel's oil transfer piping including the location of each valve, pump, control device, vent, and overflow; and

(2) The location of the shutoff valve or other isolation device that separates any bilge or ballast system from the oil transfer system.

(c) The number of persons required to operate each oil transfer system;

(d) The duties by title of each officer, person in charge, tankerman, deckhand, and any other person required for each oil transfer operation;

(e) Procedures and duty assignments for tending the vessel's moorings during the transfer of oil;

(f) Procedures for operating the emergency shutdown means required by § 155.780;

(g) Any special procedures for topping off tanks;

(h) Procedures for closing all valves used during the oil transfer operation;

(i) A description of the deck discharge containment system;

(j) The procedures for emptying the deck discharge containment system;

(k) Procedures for containment of oil discharges on the water; and

(l) Procedures for reporting oil discharges on the water.

§ 155.760 Amendment of oil transfer procedures.

(a) The Captain of the Port or Officer in Charge of Marine Inspection may require the operator of any vessel that is required to have oil transfer procedures to amend those procedures if, after inspection, he finds that the oil transfer procedures are not adequate to meet the requirements of Part 156 of this chapter.

(b) When the Captain of the Port or Officer in Charge of Marine Inspection determines to require an amendment of an oil transfer procedure, he notifies the operator, in writing, of a date not less than 14 days from the date of the notice on or before which the operator may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Captain of the Port or Officer in Charge of Marine Inspection notifies the operator of any amendment required or of his decision to rescind the notice. The amendment becomes effective not

less than 30 days after the operator receives the notice, unless the operator petitions the Commandant to reconsider the notice, in which case it effective date is stayed pending a decision by the Commandant.

(c) If the Captain of the Port or Officer in Charge of Marine Inspection finds that there is a condition requiring immediate action to prevent the discharge of oil that makes the procedure in paragraph (b) of this section impracticable or contrary to the public interest, he may require an amendment effective, without stay, on the date the operator receives notice of it. In such a case, the Captain of the Port or Officer in Charge of Marine Inspection includes a brief statement of the reasons for his finding in the notice, and the operator may petition the Commandant to reconsider the amendment.

(d) Petitions to the Commandant must be submitted in writing to the Captain of the Port or Officer in Charge of Marine Inspection who issued the requirement to amend.

§ 155.770 Machinery oil drains: U.S. vessels.

(a) Except as provided in paragraph (b), no person may drain the sumps of oil lubricated machinery or the contents of oil filters, strainers, or purifiers into the bilge of any United States vessel.

(b) Before December 31, 1974, oil may be drained from the sump of oil lubricated machinery into the bilge of a vessel that is not otherwise required to have a means to prevent oil draining into the bilge if—

(1) The oil can only be removed from the sump by first draining it into the bilge; and

(2) The oil is removed from the bilge other than by discharging into the water.

§ 155.780 Emergency shutdown.

(a) No person may operate a tank vessel carrying oil in a cargo tank with a capacity of more than 10,000 U.S. gallons unless it has on board an emergency means to enable the person in charge of the transfer of oil to stop the flow of oil to a facility or another vessel if normal operating procedures fail.

(b) The emergency means must be a pump control or a quick acting, power activated valve. If an emergency pump control is used, it must stop the flow of oil if oil could syphon through the stopped pump.

(c) The emergency means must be operable from the cargo deck, cargo control room, or the usual operating station of the person in charge of the transfer of oil.

§ 155.790 Deck lighting.

(a) After December 31, 1974, no person may operate a tank ship that is transferring oil to or from the ship between sunset and sunrise unless that tank ship has cargo deck lighting that illuminates—

(1) Each cargo transfer connection point and each ullage point with a minimum lighting intensity of 10 foot candles; and

(2) Each work area, tank trunk, and dome with a lighting intensity of 2 foot candles.

(b) The lighting intensity must be measured on a horizontal plane 3 feet above the cargo deck or walking surface.

§ 155.800 Oil transfer hose.

No person operating any vessel may use, and no person may operate a U.S. vessel that carries, an oil transfer hose that is larger than 3 inches in diameter unless it meets the requirements of § 154.500 of this chapter.

§ 155.810 Tank vessel security.

No owner or operator of any vessel or facility may leave unattended a tank vessel that contains more than a residual amount of oil in any cargo tank.

§ 155.820 Records.

The operator of each vessel shall keep and make available for inspection by the Commandant—

(a) The name of each person currently designated as a person in charge of oil transfer operations;

(b) The date and result of the most recent test or inspection of each item tested or inspected under § 156.170 of this chapter; and

(c) The hose information required by § 154.500(f) of this chapter unless that information is marked on the hose.

APPENDIX A—SPECIFICATIONS FOR SHORE CONNECTION

Item	Description	Dimension
1	Outside diameter	215 mm. (8½").
2	Inside diameter	According to pipe outside diameter.
3	Bolt circle diameter	183 mm. (73/16").
4	Slots in flange	6 holes 22 mm. (7/8") in diameter shall be equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width is to be 22 mm. (7/8").
5	Flange thickness	20 mm. (¾").
6	Bolts and nuts	6, each of 20 mm. (¾") in diameter and of suitable length.

The flange shall be of steel having a flat face, with a gasket of oilproof material, and both shall be suitable for a service pressure of 6 kg/cm² (85 p.s.i.).

PART 156—OIL TRANSFER OPERATIONS

Sec.

156.100 General.
156.105 Definitions.
156.110 Person in charge: limitations.
156.120 Requirements for oil transfer.
156.130 Connections.
156.150 Declaration of inspection.
156.160 Supervision by person in charge.
156.170 Equipment tests and inspections.

AUTHORITY: The provisions of this Part 156 issued under secs. 11(J)(1)(C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91); 33 U.S.C. 1161(J)(1)(C) and (D); E.O. 11548, 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m).

§ 156.100 General.

This part prescribes rules that apply to the transfer of oil to or from any vessel on the navigable waters of the United States that has a capacity of 10,000 U.S. gallons or more for that oil, except the transfer of—

(1) Lubricating oil for use on board the vessel; and

(2) Nonpetroleum based oil that is transferred to or from a vessel other than a tank vessel.

§ 156.105 Definitions.

As used in this part:

(a) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(b) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(c) "Person in charge" means a person designated as a person in charge under § 154.710 or § 155.700 of this chapter.

§ 156.110 Person in charge: limitations.

(a) No person may serve as the person in charge of oil transfer operations on more than one vessel at a time unless—

(1) The vessels are immediately adjacent;

(2) There is a ready means of access between vessels; and

(3) The person in charge is not also the person in charge of the facility.

(b) No person may serve as the person in charge of both the vessel and the facility during oil transfer operations except when the facility permit authorizes such procedure.

§ 156.120 Requirements for oil transfer.

No person may transfer oil to or from a vessel unless—

(a) The vessel's moorings are strong enough to hold in all expected conditions of surge, current, and weather and long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;

(b) Oil transfer hoses or loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on hose or loading arm;

(c) Each hose is supported in a manner that prevents strain on its coupling;

(d) Each part of the transfer system necessary to allow the flow of oil is lined up for the transfer;

(e) Each part of the facility and vessel transfer system that is not necessary for the transfer operation is securely blanked or shut off;

(f) The transfer system is connected to a fixed piping distribution system on the receiving vessel or facility;

(g) Except when used to receive or discharge ballast, each overboard discharge or sea suction valve that is connected to the vessel's oil transfer, ballast, or cargo tank systems is sealed in the closed position;

(h) Each oil transfer hose is free from loose covers, bulges, gouges, cuts, slashes, and soft spots;

(i) Each bolted flange coupling meets the requirements in § 156.130;

(j) The discharge containment required by §§ 154.530, 155.310, and 155.320 of this chapter as appropriate is in place;

(k) Each scupper or drain in a discharge containment system is closed;

(l) The communications required by § 154.560 of this chapter are operable for the transfer operation;

(m) The emergency means of shutdown required by §§ 154.550 and 155.780 of this chapter, as appropriate, is in position and operable;

(n) Enough personnel are on duty to conduct the transfer operations in accordance with the facility operations manual and vessel oil transfer procedures that apply to the transfer operation;

(o) At least one person is present who fluently speaks the language spoken by each person in charge;

(p) The person in charge of the transferring vessel or facility and the person in charge of the receiving vessel or facility have held a conference to assure that each person in charge understands all aspects of the transfer operations, including at least—

(1) The identity of the product to be transferred;

(2) The sequence of transfer operations;

(3) The transfer rate;

(4) The name or title and location of each person participating in the transfer operation;

(5) Particulars of the transferring and receiving systems;

(6) Critical stages of the transfer operation;

(7) Federal, State and local rules that apply to the transfer of oil;

(8) Emergency procedures;

(9) Discharge containment procedures;

(10) Discharge reporting procedures;

(11) Watch or shift arrangements; and

(12) Transfer shutdown procedures.

(q) The person in charge of the transferring vessel or facility and the person in charge of the receiving vessel or facility agree to begin the transfer operation;

(r) Each person in charge required by this part is present;

(s) Between sunset and sunrise the lighting required by § 154.570 and § 155.790 of this chapter is provided; and

(t) For transfer operations on a barge between sunset and sunrise, lighting of the intensity specified in § 155.790 of this chapter is provided.

§ 156.130 Connections.

(a) Each person who makes a connection for oil transfer operations shall—

(1) Use suitable material in joints and couplings to make a tight seal;

(2) Use at least four bolts and a bolt in at least every other hole of each temporary connection utilizing an ANSI standard flange coupling;

(3) Use a bolt in each hole of couplings other than a ANSI standard flange;

(4) Use a bolt in each hole of each fixed coupling; and

(5) Use bolts of the same size in each bolted coupling; and

(6) Tighten each bolt and nut uniformly to distribute the load.

(b) No person who makes a connection for oil transfer operations may use any bolt that shows signs of strain or is elongated or deteriorated.

(c) Unless otherwise authorized by the Commandant, no person who makes a connection for oil transfer operations may use a quick-connect coupling or any coupling that is not bolted or full threaded.

§ 156.150 Declaration of inspection.

(a) No person may transfer oil to or from a vessel unless the persons designated under §§ 154.710 and 155.700 of this chapter as person in charge of the transferring facility or vessel and the receiving facility or vessel have signed the declaration of inspection form prescribed in paragraph (c) of this section.

(b) No person in charge may sign a declaration of inspection of a vessel or facility unless he has determined by inspection that the facility or vessel meets the requirments in § 156.120.

(c) The declaration of inspection required to be signed in paragraph (a) of this section may be in any form but must contain at least—

(1) The name or other identification of the transferring vessel or facility and the receiving vessel or facility;

(2) The address of the facility or location of the transfer operation if not at a facility;

(3) The date the transfer operation is started;

(4) A list of the requirements in § 156.120 with spaces on the form following each requirement for the persons in charge to indicate whether the requirement is met for the transfer operation; and

(5) A space for the date, time of signing, signature, and title of each person in charge during oil transfer operations on the transferring vessel or facility and a space for the date, time of signing, signature, and title of each person in charge during the oil transfer operations on the receiving facility or vessel.

(d) The form for the declaration of inspection required in paragraph (a) of this section may incorporate the declaration requirements in 46 CFR 35.35–30.

(e) The operator of each vessel and each facility shall retain at least one signed copy of each declaration of inspection required for that vessel or facility for at least 2 months from the date it is signed.

§ 156.160 Supervision by person in charge.

(a) No person may connect, top off, disconnect, or engage in any other critical oil transfer operation unless the person in charge designated under §§ 154.710 and 155.700 of this chapter personally supervises the operation.

(b) No person may start the flow of oil to or from a vessel unless instructed to do so by the person in charge.

(c) No person may transfer oil to or from a vessel unless the person in charge is in the immediate vicinity of the transfer operation and immediately available to the crew.

(d) No person may transfer oil to or from a vessel—

(1) While any transfer component is releasing oil at a rate that will exceed the capacity of the containment system; or

(2) While there is oil in the water near any transfer component from an unknown source;

§ 156.170 Equipment tests and inspections.

(a) No person may use any item of equipment listed in paragraph (c) of this section in oil transfer operations unless, since the beginning of the 11th calendar month before the month in which it is used, the operator of the vessel or facility has tested and inspected it in accordance with paragraphs (b) and (c) of this section and found that it is in the condition specified in paragraph (c) of this section.

(b) During any test or inspection required by this section, a hose must be in a straight and horizontal position and the entire external surface must be accessible.

(c) For the purposes of paragraph (a) of this section—

(1) Each nonmetallic oil transfer hose, other than submarine hose, that is larger than 3 inches in diameter must—

(i) Have no loose covers, kinks, bulges, gouges, cuts, slashes, or soft spots;

(ii) Have no external and, to the extent internal inspection is possible with both ends of the hose open, no internal deterioration; and

(iii) Not burst, bulge, leak, or abnormally distort under static liquid pressure at least as great as the pressure of the relief valve setting (or maximum pump pressure when no relief valve is installed) plus any static head pressure of the system in which the hose is used;

(2) Each transfer system relief valve must open at the pressure at which it is set to open;

(3) Each pressure gauge must show pressure within 10 percent of the actual pressure;

(4) Each loading arm and each oil transfer piping system including each metallic hose must not leak under static liquid pressure at least as great as the pressure of the relief valve setting (or maximum pump pressure when no relief valve is installed) plus any static head pressure in the system; and

(5) Each item of remote operating or indicating equipment such as a remotely operated valve, tank level alarm, or emergency shutdown device must perform its intended function.

(d) No person may use any hose in underwater service for oil transfer operations unless, since the beginning of the 23d month before the month in which it is used, the operator of the vessel or facility has tested and inspected it in accordance with paragraph (c)(1) or (4) of this section, as applicable.

(b) By revising § 151.35(h) of Part 151 to read as follows:

§ 151.35 Oil record book.

* * * * *

(h) The Oil Record Book maintained on a vessel when not engaged on a foreign voyage shall be submitted during the months of January, April, July, and October with entries for the preceding 3 months to the Commander, 3d Coast Guard District(m), New York, if the home port is located on the east or gulf coast; or to the Commander, Twelfth Coast Guard District(m), San Francisco, if the home port of the vessel is located on the West Coast.

(Sec. 11(J)(1)(C) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91); 33 U.S.C. 1161(J)(1)(C); E.O. 11548, 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

Dated: December 15, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.71-18641 Filed 12-23-71;8:45 am]

[46 CFR Parts 10, 12, 31, 71, 91, 176, 187, 189]

[CGFR 71-161]

POLLUTION PREVENTION

Inspection of Vessels and Deck and Engineer Officers Licenses

The Coast Guard has under consideration the amendment of Chapter I of Title 46, Code of Federal Regulations to require additional knowledge by merchant marine officers and seamen of the effects of oil pollution and of laws, regulations and procedures to prevent oil pollution; to require pollution prevention equipment for vessel certification; and also to require increased inspection of tank barges. This proposal is issued in conjunction with a proposal for new Parts 154, 155, and 156 of Title 33, Code of Federal Regulations governing vessel and facility oil transfer operations that is published on page — of this issue of the FEDERAL REGISTER.

Interested persons are invited to participate in this proposed rule making by submitting written data, views, or comments to the Coast Guard (CMC), Washington, D.C. 20590. Communications should identify the notice number (CGFR 71-161), any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator.

The Coast Guard will hold a public hearing on February 15, 1972, at 9:30 a.m. in Conference Room 2230, Department of Transportation Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Interested persons are invited to attend the hearing and present oral or written statements on this proposal.

All communications received before February 21, 1972, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8234, Department of Transportation, Nassif Building 400 Seventh Street SW., Washington, DC both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

During the drafting of the proposed 33 CFR Parts 154, 155, and 156, it became apparent that to have an effective antipollution program three subjects covered in Chapter I of Title 46, Code of Federal Regulations would require revision:

(1) Merchant marine officers and seamen must be required to possess a greater knowledge than presently required concerning the law and regulations governing oil pollution and the methods and equipment to prevent or clean up oil pollution;

(2) The equipment required in the proposed Part 155 must be a prerequisite for vessels before they are issued a certificate of inspection; and

(3) The existing vessel drydocking interval for inland vessels must be shortened to eliminate the continued operation of leaky vessels.

The professional knowledge of all licensed and certificated seamen would be required to include oil pollution abatement procedures. All such seamen who by their rating may be engaged in oil transfer operations would be required to have knowledge of oil transfer operations equivalent to that of a certificated tankerman. All officers licensed for ocean service would have to have additional knowledge that includes international law and tank cleaning procedures that do not pollute the oceans.

Requiring the vessel's equipment to comply with standards for oil pollution prevention in order to obtain a certificate of inspection would assure that inspectors and technical personnel examine the vessel and its plans for compliance with the regulations.

The proposed 33 CFR 155.305 requires all inland barges built after January 1, 1973, to be of double-wall construction to phase out single-skin construction which results in pollution. To minimize the existing single-skin fleet's pollution contribution from hull leaks, the period between drydocking of single-skin vessels would be reduced to not more than 3 years. This change eliminates the 4-year and 5-year drydocking interval for certain inland vessels and eliminates the 5-year extension privilege on initial drydockings. The purpose of this shortening of drydocking intervals is to subject single-skin vessels to examination for operational damage which may permit cargo or fuel oil leakage. Double-skinned vessels in fresh water service may go 6 years between drydocking if their condition as determined by an internal inspection during the third year since docking, permits.

In consideration of the foregoing, it is proposed to amend Title 46 of the Code of Federal Regulations as follows:

(a) By amending Part 31 as follows:

(1) By amending § 31.01-1(a) by striking the period and adding the words "and 33 CFR Part 155, Subpart B."

(2) By revising the citation of authority following § 31.01-1 to read as follows:

(R.S. 4418, as amended, 4433, as amended, 4472, as amended, 4488, as amended, sec. 11(J)(1)(C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 46 U.S.C. 392, 411, 170, 481, 33 U.S.C. 1161(J)(1)(C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

(3) By revising § 31.05-1(a) to read as follows:

§ 31.05-1 Issuance of certificate of inspection—TB/ALL.

(a) When a tank vessel is found to comply with law and the regulations in this subchapter, and applicable provisions of subchapters, E, F, J, O, and Q of this chapter and 33 CFR Part 155, Subpart B, a certificate of inspection shall be issued to it, or to its owners by the Officer in Charge, Marine Inspection.

* * * * *

(4) By adding a citation of authority following § 31.05-1 to read as follows:

(Sec. 11(J)(1)(C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 33 U.S.C. 1161(J)(1)(C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

(5) By revoking subparagraphs (4) and (5) and revising subparagraphs (2) and (3), of § 31.10-20(a) to read as follows:

§ 31.10-20 Drydocking or hauling out—TB/ALL.

(a) * * *

(2) Each tank vessel that operates in salt water an aggregate of less than 6 months in any 12-month period since it was last drydocked or hauled out shall be drydocked or hauled out at intervals not to exceed 36 months, except that any tank barge that operates in salt water an aggregate of less than 3 months in each 12-month period since it was last drydocked need not comply with this subparagraph until after April 3, 1973. Each tank vessel that operates in salt water an aggregate of more than 6 months in any 12-month period since it was last drydocked shall be drydocked or hauled out within 6 months after the end of that period.

(3) For double-walled tank barges that operate in salt water an aggregate of less than 1 month in any 12-month period, the Officer in Charge of Marine Inspection may authorize the substitution of an internal inspection of the space between the double walls for the initially required drydocking or hauling out and for each alternate drydocking or hauling out thereafter.

(6) By adding an authority citation following § 31.10-20 to read as follows:

(National Environmental Policy Act of 1969 (83 Stat. 852); 42 U.S.C. 4321, et seq.)

(b) By amending Part 71 as follows:

(1) By amending § 71.20-15(a) by inserting the words "pollution prevention equipment," immediately after the words "pilot ladders," in the second sentence.

(2) By revising the citation of authority following § 71.20–15 to read as follows:

(R.S. 4472, as amended, sec. 2, 23 Stat. 118, as amended, sec. 2, 63 Stat. 496, as amended, sec. 633, 63 Stat. 545, sec. 11(J)(1)(C) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 46 U.S.C. 170, 2, 14 U.S.C. 2, 633, 33 U.S.C. 1161(J)(1)(C), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

(3) By adding a new § 71.25–37 with an authority citation immediately following § 71.25–35 to read as follows:

§ 71.25–37 Pollution prevention.

At each inspection for certification, the inspector shall examine the vessel to determine that it meets the vessel design and equipment requirements for pollution prevention in 33 CFR Part 155, Subpart B.

(Sec. 11(J)(1) (C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 33 U.S.C. 1161(J)(1)(C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

(c) By amending Part 91 as follows:

(1) By amending § 91.20–15(a) by inserting the words "pollution prevention equipment," immediately after the words "pilot ladders," in the second sentence.

(2) By amending the citation of authority following § 91.20–15 to read as follows:

(R.S. 4472, as amended, sec. 2, 23 Stat. 118, as amended, sec. 2, 63 Stat. 496, as amended, sec. 633, 63 Stat. 545, sec. 11(J)(1)(C) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 46 U.S.C. 170, 2, 14 U.S.C. 2, 633, 33 U.S.C. 1161(J)(1)(C), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46 (m))

(3) By amending § 91.25–10(a) by inserting the words "pollution prevention equipment" immediately after the words "pilot ladders," in the second sentence.

(4) By adding a citation of authority following § 91.25–10 to read as follows:

(Sec. 11(J)(1)(C) of the Water Pollution Control Act of 1956 added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 33 U.S.C. 1161(J)(1)(C), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

(5) By adding a new § 91.25–38 with an authority citation immediately following § 91.25–37 to read as follows:

§ 91.25–38 Pollution prevention.

At each inspection for certification, the inspector shall examine the vessel to determine that it meets the vessel design and equipment requirements for pollution prevention in 33 CFR Part 155, Subpart B.

(Sec. 11(J)1) (C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 33 U.S.C. 1161(J)(1)(C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46 (m))

(d) By amending the citation authority for Subchapter T by striking the words ", unless otherwise noted" and adding the words "Additional authority cited with regulations affected."

(e) By amending Part 176 as follows:

(1) By amending § 176.05–5(c) by inserting the words "pollution prevention equipment," immediately after the words "fire extinguishing equipment," in the first sentence.

(2) By adding a citation of authority following § 176.05–5 to read as follows:

(Sec. 11(J)(1)(C) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 33 U.S.C. 1161(J)(1)(C), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

(3) By amending § 176.05–10 by inserting the words "pollution prevention equipment," immediately after the words "fire extinguishing equipment," and by adding a new paragraph (b) to read as follows:

§ 176.05–10 Subsequent inspections for certification.

* * * * *

(b) *Pollution prevention.* At each inspection for certification, the inspector shall examine the vessel to determine that it meets the vessel design and equipment requirements for pollution prevention in 33 CFR Part 155, Subpart B.

(4) By adding a citation of authority following § 176.05–10 to read as follows:

(Sec. 11(J)(1) (C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 33 U.S.C. 1161(J)(1)(C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46 (m))

(f) By amending the citation of authority for Subchapter U by adding the following words: "Additional authority cited with regulations affected."

(g) By amending Part 189 as follows:

(1) By amending § 189.20–15(a) by inserting the words "pollution prevention equipment," immediately after the words "pilot ladders," in the second sentence.

(2) By adding an authority citation following § 189.20–25 to read as follows:

(Sec. 11(J)(1)(C) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 33 U.S.C. 1161(J)(1)(C), 42 U.S.C. 4321 et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

(3) By amending § 189.25–10 by inserting the words "pollution prevention equipment," immediately following the words "pilot ladders," in the second sentence.

(4) By adding an authority citation following § 189.25–10 to read as follows:

(Sec. 11(J)(1)(C) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 33 U.S.C. 1161(J)(1)(C), 42 U.S.C. 4321 et seq.; E.O. 11548; 3 CFR, 1971 Supp. p. 545; 49 CFR 1.46 (m))

(5) By adding a new § 189.25–38 with an authority citation immediately following § 189.25–35 to read as follows:

§ 189.25–38 Pollution prevention.

At each inspection for certification, the inspector shall examine the vessel to determine that it meets the vessel design and equipment requirements for pollution prevention in 33 CFR Part 155, Subpart B.

(Sec. 11(J)(1) (C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852); 33 U.S.C. 1161(J)(1) (C) and (D), 42 U.S.C. 4321, et seq.; E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

(h) By amending Parts 10, 12, 105, and 187 Title 46 as follows:

(1) By adding the following sentence as subparagraph (2) of § 10.02–9(a); subparagraph (2) of § 10.20–9(a); and paragraph (e) of § 187.15–1: "Upon the first renewal of a license after June 30, 1972, each applicant must meet the knowledge requirements for an original license on pollution abatement."

(2) By amending the authority citations following §§ 10.02–9 and 10.20–9 by adding an additional citation and by adding a new authority citation to follow § 187.15–1 to read as follows:

(National Environmental Policy Act of 1969 (83 Stat. 852); 42 U.S.C. 4321, et seq.)

(3) By adding the new subject "Pollution abatement" as subject number (7–a) in § 10.05–43(a); (28–a) in the table in § 10.05–45(b); (20–a) in § 10.05–47(a); (13–a) in § 10.05–49(a); (9–a) in § 10.05–51(a); (10–a) in § 10.05–52(a); (9–a) in § 10.05–58; and by inserting an X in each column for the new subject "(28–a) pollution abatement" in the table in § 10.05–45(b).

(4) By adding the following authority citation following §§ 10.05–43, 10.05–45, 10.05–47, 10.05–49, 10.05–51, 10.05–52, and 10.05–58 to read as follows:

(National Environmental Policy Act of 1969 (83 Stat. 852); 42 U.S.C. 4321, et seq.)

(5) By adding the following sentence to §§ 10.05–53; 10.05–55; 10.05–57; 10.05–59; as (c–1) of § 12.05–9; as (e) of § 12.10–5; to § 12.20–5; as (a)(10) of § 105.60–10; (a)(8) of § 187.20–10; (a)(8) of § 187.20–15; (a)(8) of § 187.20–17; (12–a) of § 187.25–20(a); (12–a) of § 187.25–2(a); and (4–a) of § 187.25–25(a); "The applicant must demonstrate to the satisfaction of the Officer in Charge, Marine Inspection, his knowledge of pollution laws and regulations, procedures for discharge containment and cleanup and methods for disposal of sludge and waste material from cargo and fueling operations."

(6) By inserting an X in each column for the following new subject (29–a) in table 12.15–9(b): 29–a Pollution laws and regulations, procedures for discharge containment and cleanup, and methods

for disposal of sludge and waste from cargo and fueling operations.

(7) By adding an authority citation to follow §§ 10.05–53, 10.05–55, 10.05–57, 10.05–59, 12.05–9, 12.10–5, 12.15–9, 12.20–5, 105.60–10, 187.20–10, 187.20–15, 187.20–17, 187.25–20, 187.25–21, and 187.25–25 to read as follows:

(National Environmental Policy Act of 1969 (83 Stat. 852); 42 U.S.C. 4321, et seq.)

(8) By adding the following new subjects to the table in § 10.10–4(b) and by inserting an X in each column for each new subject:

POLLUTION

78. Pollution laws and regulations.
79. Discharge containment and cleanup.
80. Disposal of sludge and waste.
81. Loading and transfer of bunkers.
82. Bilge and ballast disposal.

(9) By adding an authority citation following § 10.10–4 to read as follows:

(National Environmental Policy Act of 1969 (83 Stat. 852); 42 U.S.C. 4321, et seq.)

(10) By adding the subject "pollution abatement" as new paragraphs (b)(2)(viii); (c)(8); and (e)(7) of § 10.15–31.

(11) By adding an authority citation following § 10.15–31 to read as follows:

(National Environmental Policy Act of 1969 (83 Stat. 852); 42 U.S.C. 4321, et seq.)

(12) By adding the following new subdivision (vii) to § 10.20–5(b)(1):

§ 10.20–5 Professional examinations.

* * * * *

(b) * * *

(1) * * *

(vii) Pollution laws and regulations, procedures for discharge containment and cleanup, and methods for disposal of sludge and waste material from cargo and fueling operations.

* * * * *

(13) By adding an authority citation following § 10.20–5 to read as follows:

(National Environmental Policy Act of 1969 (83 Stat. 852); 42 U.S.C. 4321, et seq.)

These amendments are proposed under the authority of (R.S. 4405, as amended, R.S. 4462, as amended, section 11(J)(1)(C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852), sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 33 U.S.C. 1161(J)(1)(C) and (D), 42 U.S.C. 4321, et seq., 49 U.S.C. 1655(b)(1); E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR (b) and (m)).

Dated: December 15, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.71–18642 Filed 12–23–71;8:45 am]

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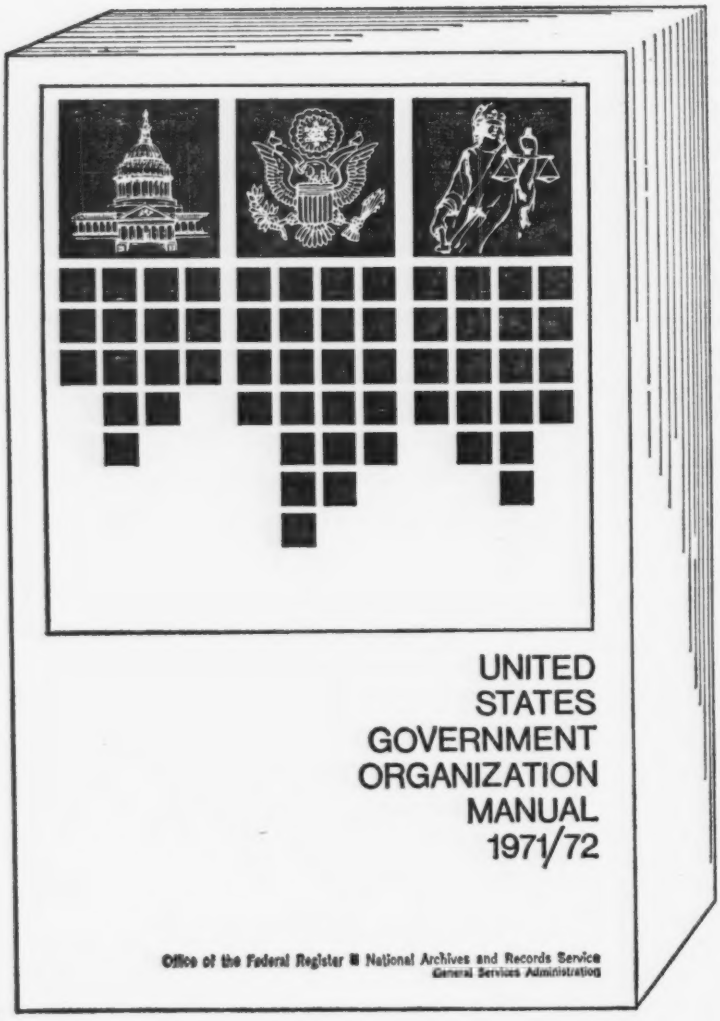

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